FARAD CONTINUTION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Contempt petn No.36 of 2006

Office Notes,Office Memorandum of Coram appearence,Court's Orders & Directions and Registrar's Order	Court or Judge's Order

Mr.E K Shashidharan for petitioner
Mr.A.H.Palekar AGP for State

CORAM; A.M.KHANWILKAR J.

DATED l3.4.2006

P.C.

. This petition is filed on the assertion that the petitioner is no more a coop society and has been converted into a company. This was the specific stand in the writ petition filed by the petitioner before this court being Writ Petition No. 5073 of l997. It is on that basis the said writ petition has been admitted and this court by order dated l8.ll.l997 directed stay of execution, implementation and operation of the judgment and order passed by the Dy

Registrar Coop Societies dated l5.2.l997 appointing administrator in respect of the petitioner society. The arguments seems to be attractive but clearly overlooks that the issue as to whether the petitioner is a company or a coop society has not been finally adjudicated in favour of the petitioner. That is still pending consideration of the court of competent jurisdiction. In the meantime there is nothing to preclude the authorities under the Coop Societies Act to proceed against the petitioner in relation to the procedural aspects required to be observed by the petitioner as a coop society. The fact that the petitioners request for converting it into a company has been rejected, is recorded in a communication issued by the office of the Registrar of Companies (Government of India) Ministry of Finance, Department of Company Affairs on l0.9.l997. Understood thus, there is no substance in the grievance made that the

respondent no. 2 is in contempt in proceeding against the petitioner on the presumption that the petitioner is a coop society. Hence this petition is rejected. Show cause notice issued to the concerned respondent is discharged.